



REMARKS

As a preliminary matter, applicants note that box 14 (claim for domestic priority) of the Office Action has not been checked off by the Examiner. Applicants respectfully request that the Examiner check off this box, or equivalent box, in the Examiner's subsequent correspondence, such as in a Notice of Allowance.

Applicants also note that the Examiner indicated that the specification was objected to as failing to provide a proper antecedent basis for the claimed subject matter. However, the Examiner has not indicated what that objection is or what portion of the specification is deficient. The Examiner's only comment is as follows: "Correction of the following is required: brace." Applicants assume that the term "brace" in the Office Action was meant to contain a particular paragraph or text to be "cut and pasted" from another section. Accordingly, applicants request that the Examiner provide additional detail in the next paper to permit the applicants to provide a complete response.

The specification has been amended to update the cross-reference to related applications, to correct some typographical and formalistic errors, and to make consistent certain reference numbers corresponding to structure shown in the drawings as originally filed, with such reference numbers in the substitute specification. No new matter has been added. For purposes of clarity only, a substitute specification is enclosed showing the changes, with new text shown as underlined, and deleted text shown as strikeout.

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. A version of the amended claims marked up to show all of the changes relative to the previous version of the claims follows the signature page of this Reply in accordance with 37 C.F.R. 1.121 (c)(3)(ii).

Claims 1-72 are currently pending in the application. Claims 1-32, 34-42, 44-48, 50-54, 56-58, and 60-72 stand rejected, and claim 33 stands allowed. Claim 43, 49, 55, and 59 are objected to.

As a preliminary matter, applicants enclose herewith a terminal disclaimer under 37 C.F.R. § 1.321(b) to overcome the Examiner's obviousness-type double patenting rejection, as set forth in pages 4-7 of the office action. Applicants believe that this should place claims 1-32, 34-39, 57-58, 60-61, 65, 71 in condition for allowance.

Claims 40-42, 44-46, 51, and 62-64 stand rejected under 35 U.S.C. § 102 as being anticipated by Market, as set forth on page 4 of the Office Action. In view of the claims as presently amended, applicants respectfully traverse this rejection.

Independent claims 40 and 45 have been amended to recite that applicants' line hanger is formed of resilient material, and the arms are urged toward each other so that they can fit and lock within a common opening in the line support.

In Market, the raceway system is not resilient. Rather, it is most likely formed of hard plastic. The prongs 32 that are received into the corresponding recesses 38 are not resilient to any real extent and do not flex. The prongs are received directly into the corresponding recess, which is in linear alignment with the prong. Of course, there may be some miniscule movement of the prongs sufficient to permit the teeth of the prongs to slide against and mate with corresponding grooves internal to the recess, but no real resiliency exist. Further, the raceway system in Market is not U-shaped. Rather, it is flat and has side portions depending therefrom at about ninety degrees. It is essentially rectangular, not U-shaped.

In contrast, applicants' line hanger is extremely resilient. In fact, as clearly shown in the drawings, the arms bend significantly to permit entry of the barbs into the common circular aperture

50. Because the line hanger is made of thin stainless steel, the arm may be compressed toward each other, perhaps by as much as by 50% of its length. It cannot be reasonably said that the raceway system of Market is composed of a resilient material. The device in Market is very different than applicants' invention of claims 40 and 45, as amended.

Further, independent claims 40 and 45 recite that the arms are urged toward each other so that they can fit and lock within a common opening in the line support. In Market, the prongs are not urged toward each other and certainly do not come together to fit into a common opening. Rather, the opposite is true, that is, in Market, each prong fits into its own recess, not a common recess. The prongs in Market would snap off if urged toward each other.

Dependent claim 42 has been amended to make it more clear that the opening is in the U-shaped portion of the hanger, and that such an opening is circular. This is very different from the square recesses in the Market device. Further, unlike applicants' invention, the Market device is not U-shaped. If the Examiner is asserting that the Market device is, in fact U-shaped because the prongs and the body provide a generally "U" or "C" shape, an assertion with which applicants disagree, then clearly, the recesses cannot be said to be formed in the U-shaped body, as recited in claim 42, as amended. In Market, the four recesses are formed in opposite edges of the body portion, which is very different than applicants' invention, which has a single central circular aperture disposed at the apex of the U-shaped body or curved portion of the line hanger.

Independent claim 51 also stands rejected under 35 U.S.C. §102 as being anticipated by Market. As set forth above, applicants' line hanger is U-shaped, while the Market device is rectangular. There are no curved surfaces in the Market device, thus it cannot be deemed to be U-shaped. More significantly, the Market device does not have barbs on distal ends of arms that snap

lock onto an edge of an opening, wherein the barb has a serrated end-engaging surface, as recited in claim 51.

The Market device had four prongs and each prong has a series of teeth. The teeth mesh with corresponding grooves in the recess. The teeth, however, are not barbs, and such teeth do not lock onto an edge of an opening, as do the serrated portion of the barbs of applicants' claim 51. If the Examiner contends that the teeth of the prongs in Market are the same as the barbs of applicants' invention, then such teeth are missing the serrated portion. Thus, the Market device cannot have both barbs and serrations on the barbs.

Independent claim 62 also stands rejected under 35 U.S.C. §102 as being anticipated by Market. In addition to the above arguments with respect to being "U-shaped, claim 62 recites means structured to abut an opposite surface of the edge from that engaged by a barb. These structures are shown in Figs. 12-14 (reference numbers added to drawings by subject amendment) and increase the side loading capacity of the line hanger. They are stiff and project away from the body of the line hanger and contact either a second line hanger attached thereto or the support platform. They act as a pivot point, much like "outriggers" used on large cranes to stabilize sideways tipping. These structures provide similar advantages to applicants' line hangers. Such means to abut are completely missing in the device disclosed in Market.

In summary, with respect to the rejection under §102 and the Market reference, Market clearly does not disclose a device formed of resilient material and having arms that are urged toward each other so that they can fit and lock within a common opening. Further, the Market device is not U-shaped, and does not have barbs with serrated portions. These elements are is completely missing in Market. Also, Market does not disclose the "means to abut," ("outriggers") recited in claim 62

and described in the specification. Because at least one significant element of applicants' claimed invention is missing from the device in Market, Market cannot anticipate applicants' claimed invention. Accordingly, applicants assert that independent claims 40, 45, 51 and 62 are allowable over Market, and that claims depending therefrom respectively (namely, dependent claims 41-44, 46, and 63-64), are allowable as depending from allowable base claims, respectively.

Claims 66-70 and 72 stand rejected under 35 U.S.C. §102 as being anticipated by Juds. Independent claim 66, as amended, recites at least one substantially straight outwardly angled stiff stand-off tab, which engages a front peripheral surface of the support structure at a distance from the opening. Because the stand-off tab is stiff, and functions like an "outrigger" on a crane, as described above. Thus, the "lean" of the hanger is decreased, which increases the gripping capacity of the barbs. In sharp contrast, however, the feet 37 in Juds are outwardly curved and would be able to flex when the hanger is subject to side loading. Such flexing permits the hanger to rock laterally during side loading, such as loading caused by wind. This may cause the barbs to lose their grip and release. Because the feet in Juds are curved, they flex, and cannot be stiff. Accordingly, Juds is missing the element of a stiff stand-off tab.

Independent claim 70 recites an extension section between the retention section and the distal end of the leg, which substantially increases the length of the leg. The extension section increases the effective length of the leg so that when the legs are compressed by finger pressure, less pressure is required to attach the hanger. This is important for the worker during low temperatures when manual dexterity is at a minimum. The extension permits the worker to easily squeeze the legs together to secure the hanger. It also provides an area that the worker may easily grip. In contrast, the hanger in Juds has no such extension section. The legs 25 of the hanger in Juds are merely squeezed together to

effect compression. Such extension section to substantially increase a length of the leg is completely missing in the hanger disclosed in Juds.

In summary, with respect to the rejection under §102 and the Juds reference, Juds neither disclose the substantially straight outwardly angled stiff stand-off tab of claim 66 nor the extension section of claim 70. These elements are is completely missing in Juds. Accordingly, applicants assert that independent claims 66 and 70 are allowable over Juds, and that claims depending therefrom respectively (namely, dependent claims 67-69 and 72), are allowable as depending from allowable base claims, respectively.

Applicants respectfully note that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly “teaches.” Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the “four corners” of the reference. “To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.” PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

Dependent claims 47-48, 50, 52-54, and 56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Market, as set forth on page 4 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection. Each of these rejected claims depend either directly or indirectly from independent claim 45. As set forth above, independent claim 45 was amended to recite that the line hanger was being composed of a resilient material and that the arms of the generally U-shaped body are urged toward each other and lock into a common opening. Accordingly, applicants assert the above arguments with respect to the Market reference,

namely, that the Market device is not made of resilient material, it is not U-shaped, and the arms are not urged together to lock into a common opening. There is no teaching or suggestion in Market to modify the Market device to be made of resilient material or to have the arms urged together to lock into a common opening. This would not make sense and would not result in a functioning device.

Applicants respectfully request the entry of the above-identified amendment to the application in order to place the application in better form for issuance. The art made of record by the Examiner but not relied upon as a basis of rejection, does not, whether taken alone or in combination with Market and/or Juds, anticipate or render obvious any of applicants' claims as now amended in the application.


For the foregoing reasons, applicants submit that the subject application is in condition for allowance and earnestly solicit an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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